

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

HANS MOKE NIEMANN,

Plaintiff,

vs.

SVEN MAGNUS ØEN CARLSEN A/K/A
MAGNUS CARLSEN; PLAY MAGNUS AS,
D/B/A PLAY MAGNUS GROUP;
CHESS.COM, LLC; DANIEL RENSCH A/K/A
“DANNY” RENSCH; AND HIKARU
NAKAMURA,

Defendants.

Case No: 4:22-cv-01110-AGF

Hon. Audrey G. Fleissig

**DEFENDANT MAGNUS CARLSEN’S MOTION TO
DISMISS UNDER CONNECTICUT GENERAL STATUTES
SECTION 52-196A AND FEDERAL RULE OF CIVIL PROCEDURE 12(B)(6)**

J. Nicci Warr
STINSON LLP
7700 Forsyth Blvd., Suite 1100
St. Louis, Missouri 63105

Craig M. Reiser*
Denise L. Plunkett*
Eva H. Yung*
AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, New York 10036

John M. Tanski+
Caroline P. Boisvert+
AXINN, VELTROP & HARKRIDER LLP
90 State House Square
Hartford, Connecticut 06103

* admitted *pro hac vice*

+ *pro hac vice* pending

Pursuant to Connecticut General Statutes § 52-196a and Federal Rule of Civil Procedure 12(b)(6), Defendant Magnus Carlsen respectfully moves to dismiss with prejudice each of the five claims asserted against him in the Amended Complaint (ECF No. 20) filed by Plaintiff Hans Niemann.

As set forth more fully in the accompanying Memorandum of Law in Support of Defendant Magnus Carlsen’s Motion to Dismiss Under Connecticut General Statutes Section 52-196a and Federal Rule of Civil Procedure 12(b)(6), Niemann’s claims fail under both Connecticut’s anti-Strategic Lawsuits Against Public Participation (“anti-SLAPP”) statute and Federal Rule of Civil Procedure 12(b)(6). As a matter of law, his state-law claims (Counts I, II, IV and V) are barred by Connecticut’s anti-SLAPP statute. They also should be dismissed under Federal Rule 12 because Niemann has not alleged—and cannot allege—facts to support them. Niemann’s federal antitrust claim (Count III) also fails under Federal Rule 12 because, as set forth in more detail in the motion to dismiss and accompanying memorandum of law of Chess.com, LLC (“Chess.com”), which Carlsen joins and incorporates by reference, Niemann has failed to allege the elements required to state such a claim.

In support of this Motion, Carlsen relies on the accompanying Memorandum of Law, Chess.com’s motion to dismiss and accompanying memorandum of law, and all pleadings in this action.

WHEREFORE, Carlsen respectfully requests that this Court (1) grant this Motion and dismiss with prejudice each of Niemann’s five claims against Carlsen, (2) award Carlsen his attorneys’ fees and costs in connection with this motion under Connecticut’s anti-SLAPP statute, and (3) award all other relief the Court deems just and proper.

Dated: December 2, 2022

STINSON LLP

J. Nicci Warr (State Bar No. 59975)
7700 Forsyth Blvd., Suite 1100
St. Louis, Missouri 63105
Office: 314.259.4570
Email: nicci.warr@stinson.com

Respectfully submitted,

AXINN, VELTROP & HARKRIDER LLP

By: /s/ Craig M. Reiser
Craig M. Reiser, admitted *pro hac vice*
Denise L. Plunkett, admitted *pro hac vice*
Eva H. Yung, admitted *pro hac vice*
114 West 47th Street
New York, New York 10036
Office: 212.728.2200
Fax: 212.728.2201
Email: creiser@axinn.com
dplunkett@axinn.com
eyung@axinn.com

John M. Tanski, *pro hac vice* pending
Caroline P. Boisvert, *pro hac vice* pending
90 State House Square
Hartford, Connecticut 06103
Office: 860.275.8100
Fax: 860.275.8101
Email: jtanski@axinn.com
cboisvert@axinn.com

Counsel for Defendant Magnus Carlsen

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2022, the foregoing was filed electronically using the CM/ECF system which will automatically provide notice to all attorneys of record by electronic means.

Dated: December 2, 2022

Respectfully submitted,

AXINN, VELTROP & HARKRIDER LLP

By: /s/ Craig M. Reiser
Craig M. Reiser, admitted *pro hac vice*
114 West 47th Street
New York, New York 10036
Office: 212.728.2200
Fax: 212.728.2201
Email: creiser@axinn.com

Counsel for Defendant Magnus Carlsen